

**H.B. 793, C.S.H.B. 724, H.B. 1239, H.B. 198 (Amended), H.B. 273 (Amended), H.B. 1143, H.B. 1200 (Amended)**

**CRIMINAL JUSTICE — H.B. 247, S.B. 1282, H.B. 2113, C.S.S.B. 536, C.S.S.B. 1336, H.B. 810, C.S.H.B. 393, H.B. 119, C.S.S.B. 599, C.S.H.B. 261**

**HEALTH AND HUMAN SERVICES — H.B. 1596, C.S.S.B. 939, C.S.S.B. 1413, C.S.S.B. 91**

**ECONOMIC DEVELOPMENT — C.S.S.B. 314, H.B. 259 (Amended), H.B. 1173, C.S.S.B. 1023, C.S.S.B. 1409, S.B. 628 (Amended), S.B. 1214, S.B. 1297, S.B. 1311, C.S.H.B. 294, H.B. 156**

#### **SIXTIETH DAY**

(Wednesday, May 5, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by Senator Rosson.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Brown.

A quorum was announced present.

Dr. Steven Wright, Pastor, Park Hills Baptist Church, Austin, offered the invocation as follows:

Father, how we thank You for the incredible gift of life; how we thank You and honor You as the creator and the sustainer of the universe; and how we bless You that You are intimately involved in the affairs of humankind; and how we lift up these that are gathered here today, Father, on Cinco de Mayo, which denotes that wonderful spirit of independence; and how we thank You, Father, for these men and women who deliberate the affairs of our state. We pray that You might give them wisdom that is not their own; that You might give them six senses beyond their natural senses to see into the hearts and into the minds of the people of this great state, to meet their needs in their deliberations. How we pray for them, especially in the complexities that are before them. We lift them up as they consider the needs of our educational system and all the other matters that pertain to the livelihood of our state. Thank You so much for the blessings that we have in Texas. Thank You for the independence that we experience as a nation, and how we pray for these that are in authority over us that

You might give them wisdom to rule so that we might live in peace and in order. We thank You in the name of Christ. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### **LEAVE OF ABSENCE**

On motion of Senator Shelley, Senator Brown was granted leave of absence for today on account of important business.

#### **CO-AUTHOR OF SENATE BILL 309**

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of S.B. 309.

#### **CO-AUTHOR OF SENATE BILL 884**

On motion of Senator Barrientos and by unanimous consent, Senator Harris of Tarrant will be shown as Co-author of S.B. 884.

#### **CO-AUTHOR OF SENATE BILL 991**

On motion of Senator Ellis and by unanimous consent, Senator West will be shown as Co-author of S.B. 991.

#### **CO-AUTHORS OF SENATE RESOLUTION 775**

On motion of Senator Zaffirini and by unanimous consent, Senators Rosson, West, Ellis, Whitmire, Montford, and Moncrief will be shown as Co-authors of S.R. 775.

#### **CO-SPONSOR OF HOUSE BILL 253**

On motion of Senator Barrientos and by unanimous consent, Senator Harris of Tarrant will be shown as Co-sponsor of H.B. 253.

#### **MESSAGE FROM THE HOUSE**

House Chamber  
May 5, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.B. 1**, Relating to the calculation of the official grade point average of a student enrolled at a public institution of higher education.

**H.B. 21**, Relating to the use of proceeds derived from criminal asset forfeiture for gang suppression programs.

**H.B. 68**, Relating to a voluntary code of fair campaign practices.

**H.B. 130**, Relating to the disposal of solid waste in certain landfills.

**H.B. 265**, Relating to county law library fees charged in cases filed in a justice of the peace court.

**H.B. 272**, Relating to accessibility of vehicle accident reports.

**H.B. 456**, Relating to the regulation of certain staff leasing services; providing penalties.

**H.B. 467**, Relating to the signs erected along certain highways by nonprofit organizations.

**H.B. 472**, Relating to the exemption of judges and justices from the prohibition against carrying certain weapons.

**H.B. 493**, Relating to certain charges in connection with a fine for violation of a motor vehicle law.

**H.B. 575**, Relating to repossession under a worker's lien.

**H.B. 644**, Relating to the annual registration of certain farm trailers and farm semitrailers.

**H.B. 653**, Relating to the establishment of an education tariff for certain telecommunications services.

**H.B. 674**, Relating to the authority of a court to refer a case to alternative dispute resolution.

**H.B. 689**, Relating to the form of a punch-card ballot in regard to straight-party voting.

**H.B. 825**, Relating to the authority of a municipality to correct certain violations of municipal sanitation regulations.

**H.B. 906**, Relating to the purposes for which certain industrial development corporations may use revenue from the sales and use tax.

**H.B. 930**, Relating to the authority of a justice of the peace to order community service in satisfaction of fine or costs.

**H.B. 984**, Relating to the authority of certain state agencies to purchase liability insurance.

**H.B. 1112**, Relating to certain vacant single-family houses in certain municipalities; providing a civil penalty.

**H.B. 1121**, Relating to the justification for the use of force.

**H.B. 1165**, Relating to the testing of certain deaf or blind students enrolled at institutions of higher education.

**H.B. 1182**, Relating to granting law enforcement authority to special policemen of the General Services Administration.

**H.B. 1217**, Relating to the regulation of tattoo parlors; providing a criminal penalty.

**H.B. 1226**, Relating to exemptions from dog and cat sterilization requirements for animal pounds, shelters, and humane organizations in certain counties.

**H.B. 1262**, Relating to the regulation of pest control services by the Texas Structural Pest Control Board.

**H.B. 1287**, Relating to the establishment and funding of a young farmer loan guarantee program.

**H.B. 1309**, Relating to the composition and authority of the Texas Agricultural Finance Authority.

**H.B. 1387**, Relating to the funding of the unemployment compensation program.

**H.B. 1390**, Relating to the employment of children.

**H.B. 1391**, Relating to the creation of the offense of permitting a child to sell items or services or solicit donations at night.

**H.B. 1395**, Relating to residential construction liability.

**H.B. 1408**, Relating to the sale or lease of computer software by certain municipalities.

**H.B. 1433**, Relating to the enforcement, collection, and withholding of income for child support.

**H.B. 1434**, Relating to the establishment or modification of a child support order, including guidelines for the support of children of multiple families.

**H.B. 1444**, Relating to the daily compensation of a retired judge serving as an assigned probate judge.

**H.B. 1551**, Relating to home care and community support services.

**H.B. 1630**, Relating to the rights, privileges, duties, and powers of conservators.

**H.B. 1659**, Relating to the issuing of commercial/business licenses and permits by the Texas Parks and Wildlife Department.

**H.B. 1684**, Relating to the farm and ranch finance program; granting the authority to issue bonds; providing penalties.

**H.B. 1686**, Relating to a pilot program for the inclusion of students with disabilities in the regular classroom.

**H.B. 1704**, Relating to the generation of revenue for the Parks and Wildlife Department by credit card fees and the lease of grazing rights and sale of certain products grown on park lands.

**H.B. 1705**, Relating to proprietary schools; providing civil penalties.

**H.B. 1713**, Relating to the use of clozaril for schizophrenics.

**H.B. 1739**, Relating to the measurement of gas produced from certain wells.

**H.B. 1765**, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

**H.B. 1790**, Relating to the merger, reorganization, or conversion of state or federal savings banks, state or federal savings and loan associations, and state banks.

**H.B. 1826**, Relating to a municipality's retention of a person licensed to perform inspections, surveys or removal of asbestos.

**H.B. 1835**, Relating to the regulation of the practice of perfusion; providing a penalty.

**H.B. 1968**, Relating to the regulation of aggregate quarries and pits.

**H.B. 2007**, Relating to the regulation of liquefied petroleum gas.

**H.B. 2024**, Relating to the offense of harassment of hunters, trappers, and fishermen.

**H.B. 2053**, Relating to educational enhancement funds for certain teachers.

**H.B. 2109**, Relating to the schedule of fees adopted by the Texas Commission for the Deaf and Hearing Impaired to be paid to interpreters for persons who are deaf or hearing impaired.

**H.B. 2182**, Relating to the voluntary inclusion of land within certain water districts.

**H.B. 2241**, Relating to health careers promotion for high school students interested in providing health care services in medically underserved areas.

**H.B. 2315**, Relating to requirements for alternative certification of teachers.

**H.B. 2332**, Relating to the creation of special purpose public schools and school districts.

**H.B. 2415**, Relating to the suspension of a public school teacher without pay.

**H.B. 2489**, Relating to the handling and marketing of citrus fruits and vegetables and to the produce recovery fund.

**H.B. 2529**, Relating to immunity from civil liability for certain persons responsible for or acting in furtherance of programs in which juvenile probationers are required to perform manual labor or to perform community service.

**H.B. 2535**, Relating to the authority of a community supervision and corrections department or the pardons and paroles division of the Texas Department of Criminal Justice to enter into contracts for certain supervision services.

**H.B. 2538**, Relating to a requirement of a hearing before granting or renewing a license or other permit to a sexually oriented business.

**H.B. 2557**, Relating to certain prohibited activities in the food stamp program.

**H.B. 2568**, Relating to the reimbursement of actual costs incurred by a person due to unnecessary state agency action, inaction, or exceeding its statutory authority.

**H.B. 2622**, Relating to regulation of natural gas underground storage facilities; providing penalties.

**H.B. 2631**, Relating to Commissioners Court approval of certain budgets.

**H.B. 2634**, Relating to restrictions on concentrated animal feeding operations to protect waters of the state.

**H.B. 2647**, Relating to the transfer of the facilities of the Kerrville Training Center in Kerr County to the General Services Commission and providing for its future management and use.

**H.B. 2712**, Relating to the assignment of health care benefits payments.

**H.B. 1691**, Relating to the name change of an adult.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills and resolution:

**S.J.R. 52**

**S.B. 1475**

**S.B. 1476**

#### CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. Allen Mauldin of Leander as the "Doctor for the Day."

The Senate welcomed Dr. Mauldin and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**S.J.R. 52** by Luna Education  
Proposing a constitutional amendment relating to the use of the available school fund.

**S.B. 1475** by Sims Natural Resources  
Relating to the petroleum storage tank program.

**S.B. 1476** by Patterson Natural Resources  
Relating to terms of office of members of the board of commissioners of the Brazoria County Conservation and Reclamation District Number Three.

**BILLS AND RESOLUTION SIGNED**

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

<b>H.J.R. 86</b>	<b>H.B. 824</b>
<b>H.B. 5</b>	<b>H.B. 1180</b>
<b>H.B. 200</b>	<b>H.B. 1388</b>
<b>H.B. 475</b>	<b>H.B. 1581</b>

**NOTICE OF SESSION TO HOLD  
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 10:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

**SENATE RESOLUTION 775**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in joining with the citizens of Mexico and Americans of Mexican ancestry in celebrating "El Cinco de Mayo," 1993; and

WHEREAS, On May 5, 1862, in the battle of Puebla, the Texas-born General Ignacio Zaragoza and his army of 1,200 men valiantly fought against the French forces that were invading Mexico to fulfill the dreams of French Emperor Napoleon III for greater personal glory and wealth; and

WHEREAS, The triumph of General Zaragoza and the Mexican troops over the forces of more than 7,500 French soldiers preserved the integrity and independence of Mexico by delaying the French conquest for a full year; and

WHEREAS, The decisive victory at Puebla was an important battle in the war that resulted in the last major defeat of a European power in the western hemisphere; and

WHEREAS, This great victory for Mexico helped to restore the pride and unity of the people and their government; and

WHEREAS, General Zaragoza and the Mexican soldiers demonstrated uncommon valor and tenacity when they successfully forced the French armies to retreat; and

WHEREAS, The hero of Puebla, General Zaragoza, was born on March 24, 1829, at Presidio La Bahia, near Goliad, and his birthplace is restored and a statue has been erected in his honor; and

WHEREAS, It is appropriate that we pay tribute to the memory of Ignacio Zaragoza and the Mexican soldiers in the battle of Puebla and that we recognize the significance of their victory on behalf of Mexico and our Mexican-American citizens; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby urge all Texans to join in celebration of Cinco de Mayo and carry forth with the tradition of commemorating this important historical event; and, be it further

RESOLVED, That a copy of this resolution be prepared in remembrance of all who fought for the freedom of Mexico in the battle of Puebla, May 5, 1862.

ZAFFIRINI	ROSSON
MADLA	ELLIS
LUNA	MONTFORD
BARRIENTOS	WEST
LUCIO	WHITMIRE
TRUAN	MONCRIEF

The resolution was read and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2282 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 2282**, Relating to certain hotel facilities.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Amend **C.S.H.B. 2282** as follows:

On page 1, line 36 between the word "more" and the period insert ", or a historic hotel owned by a municipality or a nonprofit municipally sponsored local government corporation created pursuant to the Texas Transportation Corporation Act (Article 15281, Vernon's Texas Civil Statutes) within one mile of a convention center owned by a municipality with a population of 1,500,000 or more"

On page 1, lines 57 and 58 strike the language "[located at or in the immediate vicinity of the facilities]" and insert the following on page 1, line 57 between the word "more" and the semicolon ", or a historic hotel owned by a municipality or a nonprofit municipally sponsored local government corporation created pursuant to the Texas Transportation Corporation Act (Article 15281, Vernon's Texas Civil Statutes) within one mile [located at or in the immediate vicinity] of a [the] convention center owned by a municipality with a population of 1,500,000 or more [facilities]"

On page 2, line 15 between the word "hotel" and the semicolon insert "or the cost of acquisition, remodeling, or rehabilitation of a historic hotel structure"

On page 2, line 33 between the word "more" and the semicolon insert "or a historic hotel owned by a municipality or a nonprofit municipally sponsored local government corporation created pursuant to the Texas Transportation Corporation Act (Article 15281, Vernon's Texas Civil Statutes) within one mile of a convention center owned by a municipality with a population of 1,500,000 or more."

The amendment was read and was adopted by a viva voce vote.



On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE  
HOUSE BILL 2282 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.H.B. 2282 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**HOUSE BILL 2671 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 2671**, Relating to the sale or trade by certain municipalities of a park under two acres that is no longer useable and functional as a park.

The bill was read second time and was passed to third reading by a viva voce vote.

**HOUSE BILL 2671 ON THIRD READING**

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 2671 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(President in Chair)

**HOUSE BILL 696 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 696**, Relating to depositories for municipal funds.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend H.B. 696 by adding new SECTIONS 4 and 5 to read as follows and renumbering subsequent subsections accordingly:

SECTION 4. Section 116.001(1), Local Government Code, is amended to read as follows:

(1) "Bank" means a banking corporation, ~~[or] association or an individual banker, savings and loan association or savings bank organized under the laws of this state, or a savings and loan association or savings bank organized under federal law.~~

SECTION 5. Section 23.73(2), Education Code, is amended to read as follows:

(2) "Bank" means a state bank authorized and regulated under the laws of the state pertaining to banking and in particular authorized and regulated by the Banking Department Self-Support and Administration Act, ~~[or] a national bank, a savings and loan association or savings bank authorized and regulated by federal law, or a savings and loan association or savings bank organized under the laws of this state,~~ but does not include any bank the deposits of which are not insured by the Federal Deposit Insurance Corporation.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

#### HOUSE BILL 696 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 696** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### HOUSE BILL 36 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 36**, Relating to the compensation of certain statutory county court judges and to certain fees and costs collected by district and county clerks for deposit in the judicial fund.

The bill was read second time and was passed to third reading by a viva voce vote.

#### HOUSE BILL 36 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 36** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **HOUSE BILL 895 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

**H.B. 895**, Relating to the registration and exemption from the sales and use tax of certain vehicles owned or leased by certain emergency medical services providers.

The bill was read second time and was passed to third reading by a viva voce vote.

#### **HOUSE BILL 895 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 895** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **COMMITTEE SUBSTITUTE SENATE BILL 309 ON THIRD READING**

Senator Ellis moved that the regular order of business be suspended and that **C.S.S.B. 309** be placed on its third reading and final passage.

**C.S.S.B. 309**, Relating to the regulation of political contributions, political expenditures, and political advertising in connection with certain judicial candidates and officeholders, to personal financial statements filed by certain judicial officeholders, and to certain appointments made by trial judges; providing civil and criminal penalties.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Carriker, Ellis, Haley, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Harris of Tarrant, Harris of Dallas, Henderson, Parker, Shelley, Sibley, Sims.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### **RECORD OF VOTES**

Senators Harris of Tarrant, Harris of Dallas, Henderson, Sims, Shelley, Sibley, and Parker asked to be recorded as voting "Nay" on the final passage of the bill.

**COMMITTEE SUBSTITUTE  
SENATE BILL 673 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 673**, Relating to the continuation and operation of the State Board of Dental Examiners and to the regulation of the practice of dentistry and dental hygiene; providing penalties.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend C.S.S.B. 673 as follows:

On page     , line     , insert the following appropriately numbered bill section and renumber subsequent sections:

SECTION 2, Article 4543a, Revised Statutes, is amended by adding Section 6 to read as follows:

Section 6. TRAINING AND GUIDELINES FOR MEMBERS OF THE BOARD. (a) The board shall establish a training program for the members of the board.

(b) Before a member of the board may assume the member's duties, the member must complete at least one course of the training program established under this section, and before the member may be confirmed by the Senate, the member must pass an examination given in conjunction with the attorney general on subjects described by Subsections (c) (7), (8), and (9) of this section.

(c) A training program established under this section shall provide information to a participant regarding:

(1) the enabling legislation that created the board to which the member is appointed;

(2) the programs operated by the agency;

(3) the role and functions of the agency;

(4) the rules of the agency with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the agency;

(6) the results of the most recent formal audit of the agency;

(7) the requirements of the:

(A) open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and its subsequent amendments;

(B) open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(C) Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments.

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by that state agency or the Texas Ethics Commission.

(d) In developing the training requirements provided for in this section, the board shall consult with the governor's office, and the ethics commission.

(e) In the event that another state agency or entity is given the authority to establish the training requirements, the board shall allow that training in lieu of developing its own program.

The amendment was read and was adopted by a viva voce vote.

Senator Parker offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend C.S.S.B. 673 by adding the following after the period on page 20, line 22:

The court may, at its discretion, permit a person who files an appeal under this section to stay enforcement of penalty or punishment by giving to the court a supersedeas bond that is approved by the court, unless there is a finding of clear, imminent or continuing harm to a person's physical health or well-being by the State Office of Administrative Hearings under Section 2(e) of this Article. If the court sustains the occurrence of the violation, the court may uphold the amount of penalty or punishment assessed or may reduce the amount of penalty or punishment assessed. If the court does not sustain the occurrence of the violation, the court shall order that no penalty or punishment is assessed.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 673 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 673 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 1433 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1433**, Relating to the continuation and functions of the Midwifery Board and the regulation of the practice of midwifery.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### SENATE BILL 1433 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1433 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 1434 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1434**, Relating to the continuation and functions of the Texas State Board of Examiners of Dietitians and the regulation of dietetics.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

#### Floor Amendment No. 1

Amend C.S.S.B. 1434 as follows:

On page 3, line 69, delete Subsection (b) and insert in lieu thereof the following:

(b) Before a member of the board may assume the member's duties and before the member may be confirmed by the senate, the member must complete at least one course of the training program established under this section.

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

#### Floor Amendment No. 2

Amend C.S.S.B. 1434, as follows:

On page 6, line 19, strike the word "provisional" and insert in lieu thereof the word "temporary".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 1434 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1434 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1425 ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1425**, Relating to the regulation of marriage and family therapists and to the continuation and operation of the Texas State Board of Examiners of Marriage and Family Therapists; providing penalties.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 1425** as follows:

(1) In Section 1 of the bill, in amended Section 3, Article 4512c-1, before Subsection (b), insert the following:

(a) The Texas State Board of Examiners of Marriage and Family Therapists is ~~[an advisory body to the Texas Board of Health. The board is]~~ composed of nine members appointed by the governor with the advice and consent of the senate. Four members must be members of the public. Five members must be persons eligible for a license under this Act, one of whom must be a professional educator in marriage and family therapy. These members must have engaged in the practice or education of marriage and family therapy for at least five years or have 5,000 hours of clinical experience in the practice of marriage and family therapy. In making the appointments of the five members eligible for a license under this Act, the governor shall consider recommendations made by recognized professional associations of marriage and family therapists in this state.

(2) Insert the following appropriately numbered section and renumber the following sections of the bill accordingly:

**SECTION .** Section 6, Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

**Sec. 6. OFFICERS.** The board shall elect a chair and vice-chair from its members at the meeting of the board held closest to August 31 of each year. The chair and vice-chair shall serve as provided by board rules.

(3) In Section 12 of the bill, in amended Section 19(a), Article 4512c-1, Vernon's Texas Civil Statutes (page 6, line 9, Senate Committee Report), strike "and approved by the commissioner of health" and substitute "~~[and approved by the commissioner of health]~~".

(4) Add an appropriately numbered section of the bill to read as follows:

**SECTION .** Section 13(c), Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) ~~The [Based on rules adopted by the board of health, the]~~ board shall determine the qualifications and fitness of applicants for licenses under this Act.

(5) In Sections 4, 5, 6, 13, 14, 16, 17, and 18 of the bill, in the amended or added provisions of law, strike "board of health" at each place at which it occurs and substitute "board".

(6) In Section 6 of the bill, in the amended provision of law, strike "board of health" at each place at which it occurs and substitute "board [~~board of health~~]".

(7) In Section 17 of the bill, in the added provision of law, strike "board of health's" at each place at which it occurs and substitute "board's".

(8) In Sections 19 and 21 of the bill, strike "Texas Board of Health" at each place at which it occurs and substitute "Texas State Board of Examiners of Marriage and Family Therapists".

(9) Insert the following appropriately numbered section and renumber the following sections of the bill accordingly:

SECTION . Sections 2(2) and 13(b), Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes), are repealed.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 1425 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1425 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 554 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 554, Relating to the determination and apportionment of taxable capital and taxable earned surplus for franchise tax purposes.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### COMMITTEE SUBSTITUTE SENATE BILL 554 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 554 be placed on its third reading and final passage.



The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Rosson.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### RECORD OF VOTE

Senator Rosson asked to be recorded as "Present-not voting" on the final passage of the bill.

#### COMMITTEE SUBSTITUTE SENATE BILL 639 ON SECOND READING

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 639, Relating to solid waste permits.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend C.S.S.B. 639 by adding a new SECTION 3 and 4 as follows and renumbering accordingly:

SECTION 3. Section 361.0791, Health and Safety Code, is amended to read as follows:

Sec. 361.0791. PUBLIC MEETING AND NOTICE REQUIREMENT.

(a) Notwithstanding other law, the commission shall hold a public meeting on an application for a new hazardous waste management facility in the county in which the proposed hazardous waste management facility is to be located. The commission, on request of a person affected or as otherwise required by commission rule, shall hold a public meeting on an application for a Class 3 modification or a major amendment to an existing facility's hazardous waste permit.

(b) Notwithstanding other law, the commission shall hold a public meeting on an application for a new municipal solid waste management facility in the county in which the proposed municipal solid waste management facility is to be located.

(c) A public meeting held as part of a local review process under Section 361.063 meets the requirement of Subsection (a) or (b) if notice is provided as required by this section.

(d) ~~(c)~~ A public meeting under this section is not a contested case hearing under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) ~~(d)~~ If a meeting is required under Subsection (a), not less than once each week during the three weeks preceding a public meeting, the applicant shall publish notice of the meeting in the newspaper of the largest general circulation that is published in the county in which the proposed facility is to be located or, if no newspaper is published in the county, in a newspaper of general circulation in the county. The applicant

shall provide the commission, department, or Texas Air Control Board, as appropriate, an affidavit certifying that the notice was given as required by this section. Acceptance of the affidavit creates a rebuttable presumption that the applicant has complied with this section.

~~(f)~~ ~~(e)~~ The published notice may not be smaller than 96.8 square centimeters or 15 square inches with the shortest dimension at least 7.6 centimeters or three inches and shall contain, at a minimum, the following information:

- (1) the permit application number;
- (2) the applicant's name;
- (3) the proposed location of the facility; and
- (4) the location and availability of copies of the permit application.

~~(g)~~ ~~(f)~~ The applicant shall pay the cost of notice required to be provided under this section. The commission by rule may establish procedures for payment of those costs.

SECTION 4. Section 361.081(b), Health and Safety Code, is amended to read as follows:

(b) The applicant must certify to the department or commission that the mailings were deposited as required by Subsection (a). Acceptance of the certification creates a rebuttable presumption that the applicant has complied with this section. Substantial compliance with the notice requirements of Subsection (a) is sufficient for the commission to exercise jurisdiction over an application for a solid waste facility.

Amend C.S.S.B. 639 by deleting existing SECTION 3 on page 2, line 15, and replacing it with a new SECTION 5 as follows and renumbering accordingly:

SECTION 5. (a) The changes in law made by Sections 361.068 and 361.137(b), Health and Safety Code, as amended by this Act, apply to an application for a permit under Subchapter C, Chapter 361, Health and Safety Code, that is:

- (1) pending before the Texas Water Commission or its successor on the date on which this bill was filed, which was March 12, 1993; or
- (2) initiated on or after the date on which this bill was filed, which was March 12, 1993.

(b) The change in law made by Section 361.0791, Health and Safety Code, as amended by this Act, applies only to an application for a permit under Subchapter C, Chapter 361, Health and Safety Code, that is received by the Texas Water Commission or its successor on or after the effective date of this Act.

(c) The change in law made by Section 361.081(b), Health and Safety Code, as amended by this Act, is meant to clarify existing law and applies to an application for a permit under Subsection C, Chapter 361, Health and Safety Code, that is:

- (1) received by the Texas Water Commission or its successor on or after the effective date of this Act; or
- (2) pending before the Texas Water Commission or its successor on the effective date of this Act.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Sims and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 19, Nays 8.

Yeas: Armbrister, Bivins, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Moncrief, Nelson, Parker, Ratliff, Shapiro, Shelley, Sibley, Sims, Wentworth, Whitmire.

Nays: Barrientos, Carriker, Ellis, Madla, Rosson, Truan, West, Zaffirini.

Absent: Montford, Patterson, Turner.

Absent-excused: Brown.

**COMMITTEE SUBSTITUTE  
SENATE BILL 142 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 142**, Relating to authorizing public junior colleges to charge an endowment fee and to establish an endowment fund.

The bill was read second time.

Senator Madla offered the following amendment to the bill:

Amend **C.S.S.B. 142** as follows:

(1) On page 1, strike Subsections (b) and (c) in their entirety and reletter subsequent subsections accordingly.

(2) On page 1, line 41, strike "endowment fees."

(3) On page 1, line 51, strike "endowment fees."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Madla and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 142 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1361 ON SECOND READING**

On motion of Senator Shapiro and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 1361**, Relating to the creation of a statutory county court in Kaufman County.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1361 ON THIRD READING**

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1361** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 991 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 991**, Relating to a county housing trust fund for the construction, preservation, or financing of low income and moderate income housing.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 991 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 991** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 906 ON SECOND READING**

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 906**, Relating to exempting states that border Texas and the governmental units of those states from the state sales and use tax.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 906 ON THIRD READING**

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 906** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

#### **SENATE BILL 1378 ON SECOND READING**

On motion of Senator Bivins and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1378**, Relating to the direct transfer of certain federal funds.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **SENATE BILL 1378 ON THIRD READING**

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 993 ON SECOND READING**

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 993**, Relating to community education and community education development projects.

The bill was read second time and was passed to engrossment by a viva voce vote.

#### **COMMITTEE SUBSTITUTE**

#### **SENATE BILL 993 ON THIRD READING**

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 993** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 843 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 843**, Relating to the implementation and use of employee assistance programs.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 843 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 843** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**SENATE BILL 1397 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 1397**, Relating to certain constitutionally dedicated funds for certain public institutions of higher education and to the creation, composition, and financing of the higher education fund; making an appropriation.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1397 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1397** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

The bill was read third time and was passed by a viva voce vote.

**SENATE BILL 175 WITH HOUSE AMENDMENT**

Senator Parker called **S.B. 175** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

**Amendment**

Amend S.B. 175 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED  
AN ACT

relating to the authority of the Commission on Jail Standards to regulate the temporary housing of county inmates in certain facilities to alleviate overcrowding in county jails.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 351, Local Government Code, is amended by adding Section 351.0035 to read as follows:

Sec. 351.0035. TEMPORARY HOUSING. (a) On request of the sheriff and the commissioners court of a county, the Commission on Jail Standards shall authorize a county to house a prisoner in a tent or other facility that is not a county jail.

(b) The Commission on Jail Standards shall adopt rules that govern the temporary housing of prisoners, including a specific requirement for:

(1) the classification and separation of prisoners;

(2) the supervision of prisoners;

(3) safety, sanitation, and health;

(4) the structure and maintenance of the facility;

(5) the provision of bunks or sleeping areas for prisoners or other furnishings for the facility;

(6) the space and capacity in the facility; and

(7) the enforcement of a rule the commission adopts under this subsection.

(c) A rule adopted under Subsection (b) must be consistent with the jail standards imposed by or adopted under other provisions of this subchapter unless the Commission on Jail Standards determines compliance is not practicable or reasonable.

SECTION 2. Subchapter A, Chapter 351, Local Government Code, is amended by adding Section 351.0036 to read as follows:

Sec. 351.0036. HOUSING OF CORRECTIONAL PROGRAM PARTICIPANTS. (a) Notwithstanding the requirements of Section 351.0035, the Commission on Jail Standards is hereby authorized to adopt rules governing the temporary housing of prisoners in connection with specific correctional programs which include work camps, wilderness camps, forestry camps, or boot camps.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Parker moved to concur in the House amendment to S.B. 175.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

#### SENATE BILL 201 WITH HOUSE AMENDMENT

Senator Parker called S.B. 201 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

#### Amendment

Amend S.B. 201 by substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED AN ACT

relating to contractual agreements between the Texas Higher Education Coordinating Board and the Texas Chiropractic College and Parker College of Chiropractic.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 61, Education Code, is amended by adding Subchapter O to read as follows:

#### SUBCHAPTER O. CONTRACTS WITH TEXAS CHIROPRACTIC COLLEGE AND PARKER COLLEGE OF CHIROPRACTIC

Sec. 61.771. DEFINITIONS. In this subchapter:

(1) "Texas resident" means a person entitled to pay resident tuition under Subchapter B, Chapter 54, of this code.

(2) "Undergraduate chiropractic student" means a person enrolled at an institution of higher education for a regular schedule of courses in pursuit of a Doctor of Chiropractic degree.

Sec. 61.772. CONTRACTS WITH TEXAS CHIROPRACTIC COLLEGE AND PARKER COLLEGE OF CHIROPRACTIC. (a) Except as provided by Subsection (b) of this section, the board may contract with Texas Chiropractic College and Parker College of Chiropractic for the preparation or instruction of Texas resident undergraduate chiropractic students as doctors of chiropractic.

(b) The board may not contract with Texas Chiropractic College and Parker College of Chiropractic if a public school of chiropractic is established.

Sec. 61.773. ADOPTION AND DISTRIBUTION OF RULES. (a) The board may adopt rules to administer this subchapter.

(b) The board shall distribute to each state medical school copies of all rules adopted under this subchapter.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.



Senator Parker moved to concur in the House amendment to S.B. 201.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

#### **SENATE BILL 654 WITH HOUSE AMENDMENTS**

Senator Parker called S.B. 654 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

##### **Amendment No. 1**

Amend S.B. 654, Sec. 35.008, by adding the words "regarding individual students" between the words "information" and "received".

##### **Amendment No. 2**

Amend S.B. 654, Section 35.003, Subsection (1) by striking, after "to be paid", the phrase [~~from available amounts in the Foundation School Program's technology allotment~~] and inserting the phrase to schools based on need as determined by the Commissioner of Education

The amendments were read.

On motion of Senator Parker and by unanimous consent, the Senate concurred in the House amendments to S.B. 654 by a viva voce vote.

#### **SENATE BILL 1075 WITH HOUSE AMENDMENT**

Senator Parker called S.B. 1075 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

##### **Amendment No. 1**

Amend S.B. 1075 by adding the following to Section 2:  
With respect to any lawsuit other than a class action described in the preceding sentence, this Act does not affect the claim of any person who filed a pleading on or before March 12, 1993 which asserted the claim in such other lawsuit.

The amendment was read.

Senator Parker moved to concur in the House amendment to S.B. 1075.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Brown.

#### **HOUSE BILL 1974 REREFERRED**

On motion of Senator Carriker and by unanimous consent, H.B. 1974 was withdrawn from the Committee on State Affairs and was rereferred to the Committee on Finance.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

**H.B. 2415** to Committee on Education.

**H.B. 1765** to Committee on Intergovernmental Relations.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider **H.B. 1765** today.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider the following bills today:

**H.B. 1974**

**H.B. 1096**

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Truan and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on International Relations, Trade, and Technology might consider **S.C.R. 85** today.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Education might consider **H.B. 2415** today.

**SENATE RULE 11.19 SUSPENDED**  
(Posting Rule)

On motion of Senator Harris of Dallas and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider **S.B. 1465** today.

**MEMORIAL RESOLUTIONS**

**S.R. 847** - By Luna, Barrientos, Zaffirini, Truan, Madla, Lucio: In memory of Mario "Cantinflas" Moreno Reyes.

**S.R. 855** - By Barrientos: In memory of Carmen Riojas Gonzales of Austin.

**S.R. 864** - By Turner: In memory of Mrs. Mary V. Kirkpatrick of Reagan.

**S.R. 871** - By Zaffirini: In memory of Herbert C. Petry, Jr., of Carrizo Springs.

**WELCOME AND CONGRATULATORY RESOLUTIONS**

**S.R. 848** - By West: Welcoming the Governor of Abia State, Nigeria, His Excellency Dr. Ogbonnaya Onu, who is visiting our state.

**S.R. 849** - By Henderson: Congratulating John Evans on achieving the rank of Eagle Scout.

**S.R. 850** - By West: Congratulating the 22 honor students from T. W. Browne Middle School on becoming members of the National Junior Honor Society.

**S.R. 851** - By Madla: Congratulating the members of the Saint Gerard Catholic High School girls softball team for winning the Texas Catholic Interscholastic League 4A State Softball Championship.

**S.R. 852** - By Madla: Recognizing Keelie Noelle Taylor of Floresville High School on her selection as a United States National Award winner in English, speech, and drama.

**S.R. 853** - By Madla: Congratulating the William Adams Junior High School Concert Band of Alice for being awarded the Sudler Cup by the John Philip Sousa Foundation.

**S.R. 854** - By Barrientos: Recognizing the National Day of Prayer on May 6, 1993.

**S.R. 856** - By Barrientos: Recognizing Dr. Peter Schultz, President of Heraeus Amersil, on the occasion of his being inducted into the National Inventors Hall of Fame.

**S.R. 857** - By Henderson: Congratulating Donald V. and Marjorie Blanton Henderson of Houston on the occasion of their 50th wedding anniversary.

**S.R. 858** - By Turner: Recognizing the Somerville Volunteer Fire Department for being named Somerville Citizen of the Year by the Somerville Chamber of Commerce.

**S.R. 859** - By Turner: Recognizing Craig Dunlap, who was selected as Youth Citizen of the Year by the Fairfield Chamber of Commerce.

**S.R. 860** - By Turner: Commending Staff Sergeant Russell C. Breland and Sergeant Chris Jackson of the Texas National Guard for their courage in saving the life of a woman trapped in a burning car.

**S.R. 861** - By Turner: Recognizing Gene Chavers, who was honored for his years of service to the Freestone County Fair.

**S.R. 862** - By Turner: Recognizing Mary Ann Nolterick, associate professor and director of music therapy at Sam Houston State University, who won the school's award for excellence in teaching.

**S.R. 863** - By Turner: Recognizing Betty Drayer for her selection as the 1993 Volunteer of the Year by the Fairfield Chamber of Commerce.

**S.R. 865** - By Turner: Recognizing the Fairfield Rotary Club for its selection for the Organization of the Year award by the Fairfield Chamber of Commerce.

**S.R. 866** - By Turner: Recognizing Harriette Williford Whatley, who was selected as the recipient of the Council of Honor award for 1993.

**S.R. 867** - By Turner: Recognizing Mr. and Mrs. Tom Paben for winning first prize in the 1992 National Corn Yield Contest sponsored by the National Corn Growers Association.

**S.R. 868** - By Turner: Recognizing Dr. Russell L. Palma as winner of the excellence in research award from Sam Houston State University.

**S.R. 869** - By Turner: Recognizing Dr. Paul R. Reed on being selected for a 1993 faculty excellence award by Sam Houston State University.

**S.R. 870** - By Zaffirini: Congratulating Monsignor James A. Tamayo of Blessed Sacrament Church in Laredo, who was named bishop by His Holiness Pope John Paul II.

**S.R. 872** - By Zaffirini, Madla, Luna, Wentworth: Recognizing the dental school at The University of Texas Health Science Center at San Antonio on the occasion of being named the top dental school in the nation in U.S. News and World Report.

#### MOTION TO ADJOURN

On motion of Senator Harris of Dallas and by unanimous consent, the Senate agreed that upon completion of the Local and Uncontested Bills Calendar to be held at 10:00 a.m. tomorrow, the Senate would adjourn until 10:30 a.m. tomorrow.

#### RECESS

On motion of Senator Harris of Dallas, the Senate at 12:04 p.m. recessed until 10:00 a.m. tomorrow.

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#### APPENDIX

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#### REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 5, 1993

CRIMINAL JUSTICE — H.B. 569, S.B. 1288, S.B. 1329, C.S.S.B. 110, C.S.S.B. 109, C.S.H.B. 1116

STATE AFFAIRS — C.S.H.B. 2771

ECONOMIC DEVELOPMENT — C.S.S.B. 1410, C.S.S.B. 632, C.S.S.B. 417, C.S.H.B. 712

STATE AFFAIRS — C.S.H.B. 1587, S.B. 1423, S.B. 1008, S.B. 1355 (Amended), S.B. 1171 (Amended), S.B. 1402, S.B. 1100 (Amended), C.S.S.B. 1356, H.B. 2289, H.B. 84 (Amended), H.B. 2515

HEALTH AND HUMAN SERVICES — C.S.H.B. 196, C.S.H.B. 241, C.S.S.B. 57, C.S.S.B. 839

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — H.B. 1589, H.B. 2680, H.B. 2219, C.S.H.B. 997